

# EXHIBIT 21

Hunters Capital, LLC v. City of Seattle

Colleen O'Reilly Bernier

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 20-cv-00983-TSZ
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION UPON ORAL  
EXAMINATION

OF

COLLEEN O'REILLY BERNIER

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(All participants appearing via Zoom videoconference.)

Taken at  
Seattle, Washington

DATE TAKEN: July 27, 2022

REPORTED BY: KATHLEEN HAMILTON, RPR, CRR, CCR 1917

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1 Are you talking about this phone from 2019?

2 Q. Yes.

3 A. No.

4 Q. Okay.

5 A. That phone, I did not -- not look at it.

6 MR. CRAMER: But, Gabe, we're gonna go  
7 off -- can we go off the record for one minute?

8 MR. REILLY-BATES: Sure.

9 MR. CRAMER: Okay. We'll be right back.

10 THE VIDEOGRAPHER: Going off the record.  
11 The time now is approximately 9:52 a.m.

12 (A break was taken  
13 from 9:52 a.m. to 9:55 a.m.)

14 THE VIDEOGRAPHER: Back on the record. The  
15 time now is approximately 9:55 a.m.

16 BY MR. REILLY-BATES:

17 Q. Hi, Colleen.

18 A. Hi, Gabe.

19 Q. Do you understand you're still under oath;  
20 correct?

21 A. I do. I do.

22 Q. Okay. Great.

23 So the question is whether you -- oh, what  
24 prompted you to search for the mayor's old phone in July  
25 of 2021?

1 A. I was asked to find a phone that was missing.

2 Q. And who asked you?

3 A. I can't remember if it was Michelle, but I think  
4 it was Michelle.

5 Q. Okay. And how long did it take you to find the  
6 phone?

7 A. So, sadly, I looked everywhere for this phone,  
8 everywhere, under desks, inside drawers, inside folders,  
9 everything. And what had happened was that I was handed  
10 this phone by Lyle and Regi, and I don't recall -- I  
11 didn't recall this later on, but what happened was they  
12 had given it to me, we stuck it in a holey Joe. I put  
13 it in one of those long file folder -- or file drawers.

14 Q. Uh-huh.

15 A. And I had hanging files in those drawers. Well,  
16 as time goes on, those files get bigger and bigger and  
17 bigger, and this phone that was in the holey Joe slid  
18 underneath those files.

19 Q. Uh-huh.

20 A. And so I had no idea it was even there.

21 Q. Okay.

22 A. I literally looked everywhere. But I didn't  
23 pull all those files out. And it wasn't until I  
24 actually pulled them out to make more room that I found  
25 it.

1 Q. I see.

2 And you're gonna have to explain, unfortunately,  
3 to me what a holey Joe is.

4 A. Okay. Sorry. (Laughter.)

5 It's kind of an old term, but it is an  
6 interoffice memo folder, kind of envelope that you tie.

7 Q. Ah; okay.

8 A. It's got holes in it, so they always called it a  
9 holey Joe.

10 Q. Holey Joe; okay, gotcha. That's funny.

11 A. Yeah.

12 Q. (Laughter.)

13 A. It's an old term.

14 Q. Was this -- was this phone in a holey Joe at the  
15 bottom of the file folder?

16 A. It was.

17 Q. And did it have any paper with it to describe  
18 what it was?

19 A. No, other than there was a little yellow sticky  
20 note from Lyle that said that, you know, we should hold  
21 onto this phone.

22 Q. Okay. So what is Lyle's last name?

23 A. Canceko.

24 Q. And can you spell that for the court reporter,  
25 please?

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Kathleen Hamilton, a Certified Shorthand Reporter and Notary Public in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of COLLEEN O'REILLY BERNIER, having been duly sworn, on JULY 27, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3RD day of AUGUST, 2022.

  
KATHLEEN HAMILTON, RPR, CRR, CCR #1917

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## ERRATA

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 7/27/2022

**WITNESS:** Colleen O'Reilly Bernier

### CORRECTIONS

Page	Line	Now Reads	Should Read
<u>7</u>	<u>24</u>	<u>Community College</u> <u>"in" City of Seattle</u>	<u>and</u>
<u>14</u>	<u>13</u>		<u>March of 2020</u>
<u>43</u>	<u>15</u>	<u>file folder</u>	<u>file drawer</u>
<u>117</u>	<u>20</u>	<u>shop</u>	<u>shot</u>

  
Signature of Deponent



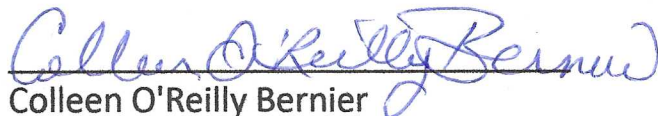
## DECLARATION

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 7/27/2022

**WITNESS:** Colleen O'Reilly Bernier

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.

  
Colleen O'Reilly Bernier

Signed on the 24<sup>th</sup> day of August, 2022.